



# San Diego City Attorney **MICHAEL J. AGUIRRE**

## NEWS RELEASE

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### **FEDERAL COURT GRANTS JUDGMENT FOR AGUIRRE AND CITY OFFICIALS IN POLICE OFFICERS' ASSOCIATION PENSION LAWSUIT *ALL CLAIMS AGAINST AGUIRRE DISMISSED***

**San Diego, CA:** A federal court has rejected all claims by the San Diego Police Officers' Association (POA) against City Attorney Michael Aguirre and has concluded that retiree health benefits are not a vested pension benefit under federal law.

In a 71-page ruling, dated May 18, 2007, Federal District Court Judge Marilyn Huff granted partial judgment for the City, dismissing numerous claims contained in the POA lawsuit against the City and City Officials alleging the City and those officials violated the POA's federal constitutional rights by eliminating or reducing vested retirement benefits.

The POA claimed that the City and various City officials unlawfully retaliated against the POA during the 2005 labor negotiations, by imposing a last, best, and final offer containing allegedly unfavorable terms and conditions of employment. The Court rejected these claims, holding that there was no evidence that the City retaliated against the POA. The Court further held that the terms of City's offer did not violate the POA's constitutional rights.

Judge Huff also granted summary judgment as to all claims against City Attorney Michael Aguirre, and dismissed all federal claims alleged against all the City officials, including multiple present and former City Council members. Judge Huff concluded these officials were immune from the POA's claims.

The Court deferred ruling on the SDPOA's claims against the City concerning alleged violations of the federal constitution arising out of the City's asserted failure to maintain a financially-sound pension system. A ruling on this issue is expected later this summer.

The POA pension lawsuit was filed on August 9, 2005. Given this ruling, the July 2007 trial date has been vacated and the Court has invited additional briefing on the remaining claims, including whether all state claims should be dismissed. A related case filed by approximately 1600 police officers, *Aaron, et al. v. Aguirre*, asserting the same claims, remains pending.

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